

III. REMARKS

1. Claim 11 is amended to correct the antecedent basis error. The change does not further limit or narrow the scope of the claim.

2. Claims 1-10, 12-15 and 18-19 are not anticipated by Silver et al. ("Silver") (U.S. Patent No. 6,650,457) under 35 U.S.C. §102(b).

Claim 1 recites that "both" circuit-switched "and" packet-switched messages are used in the base station controller. This is not disclosed or suggested by Silver.

Silver is directed to a situation in which the geographical coverage areas of a packet data network and a circuit-switch network overlap. In Silver, the packet data network informs the circuit switched network of the approximate location of a terminal. With the aid of this information it is easier to find the right MSC and the call set-up routine can be speeded up. This is described with respect to FIG. 4, and Col. 8, line 23 to Col. 9, line 4. Col. 8, line 23 recites that a message bearing location information is transmitted by the packet-switched network to the circuit-switched network gateway. This is not what is claimed by Applicant, where both circuit-switch messages and packet-switch messages are used in the base station controller. Applicant's invention according to claim 1 makes it possible to use, for a positioning purpose, the same circuit-switched connection between BSS and SMLC, which is used in a circuit-switched operation of the mobile network, and also for a packet-switched operation of the network. According to an implementation as defined in claims 4-6, the association can be made by correlating a packet-switched message identifier (TLLI) with a circuit-switched message identifier (SCCP-ID). Thus,

claim 1 cannot be anticipated. Claims 6, 12, and 18 recite similar subject matter and should also be allowable.

Claims 2-5, 7-11, 13-17, 18 and 19 should be allowable at least by reason of their respective dependencies.

Claim 16 is not unpatentable over Silver in view of Sugirtharaj under 35 U.S.C. §103(a). Claim 16 should at least be allowable in view of its dependency and because the combination of Silver and Sugirtharaj does not overcome the above noted deficiencies.

4. Claim 17 should be allowable by reason of its dependency.

For all of the foregoing reasons, it is respectfully submitted that all of the claims now present in the application are clearly novel and patentable over the prior art of record, and are in proper form for allowance. Accordingly, favorable reconsideration and allowance is respectfully requested. Should any unresolved issues remain, the Examiner is invited to call Applicants' attorney at the telephone number indicated below.

A check in the amount of \$120.00 is enclosed for a one-month extension of time. The Commissioner is hereby authorized to charge payment for any fees associated with this communication or credit any over payment to Deposit Account No. 16-1350.

Respectfully submitted,



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25 May 2005
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I hereby certify that this correspondence is being deposited with the United States Postal Service on the date indicated below as first class mail in an envelope addressed to the Mail Stop Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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